IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. Nos. 19599, 19583 & 19611 OF 2005

Date: 05.09.2005

BETWEEN:

P. Ramakrishna Rao

…. PETITIONER

Vs.

The Commissioner,

Municipal Corporation of Hyderabad,

Near Tank Bund, Hyderabad.

…. RESPONDENT

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION Nos. 19599, 19583 & 19611 OF 2005

COMMON ORDER:

The petitioners in all these writ petitions are owners of residential houses in Second Bazar, Turner Street (also known as Shivaji Nagar), Secunderabad. They are before this Court praying for a writ of mandamus declaring the action of the respondent viz., Municipal Corporation of Hyderabad in trying to demolish their property without following the procedure contemplated under Section 147 of the Hyderabad Municipal Corporation Act, 1955 (for short "the Act') as illegal and arbitrary and for a consequential direction to the respondent to desist from demolishing the structures.

All the petitioners were sent a communication by the respondent on 23-8-2005 requesting them to give consent to hand over advance possession for widening St. Mary's Road starting from Clock Tower to Secunderabad Railway Station to 120 ft. on the existing

width. The petitioners were also informed that the Corporation would pay compensation to the affected structures besides permitting additional benefits as per G.O.Ms.No.483, Municipal Administration, dated 24-8-1998. It is the case of the petitioners that they are not willing to give consent and in spite of the same, there is a threat of demolition by the respondent for the further road widening.

As the petitioners have not given consent for road widening, to hand over possession of the affected portion, the only alternative available to the Corporation is to take recourse to Section 147 of the Hyderabad Municipal Corporation Act and acquire the land in accordance with law. Till such exercise is initiated and completed, the petitioners cannot be deprived of their right to enjoy their property nor the Corporation can demolish the structures.

The writ petitions, with the above observations, are accordingly disposed of.

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(**V.V.S. RAO, J.)**

5th September, 2005

Note: Office to issue operative portion of the

Order by wire at party's cost.

(By order) Js.